

SANPETE COUNTY COMMISSION MEETING

November 10, 2014, 1:00 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

Present are: Commission Chair Claudia Jarrett, Commissioners Steve Frischknecht, County Attorney Brody Keisel, and County Clerk Sandy Neill. Commissioner Scott Bartholomew is excused.

Meeting is called to order by Commission Chair Claudia Jarrett.

CLAIMS

Auditor Ilene Roth is present. Motion is made by Commissioner Frischknecht to approve payment of claims #334711 through #334806. The motion is seconded by Commissioner Jarrett, and the motion passes. Motion is made by Commissioner Frischknecht to approve payment of claims #334807 through #334862. The motion is seconded by Commissioner Jarrett, and the motion passes.

MANTI TELEPHONE: APPROVAL TO AMEND THE RIGHT OF WAY AGREEMENT TO INSTALL CABLE AND CONDUIT ON WILLOW CREEK ROAD

Tim Cox is present. A permit was obtained on June 17, 2014 for this project, and the work has not been completed. He would like to extend this project further down the road. Motion is made by Commissioner Frischknecht to approve the amendment. The motion is seconded by Commissioner Jarrett, and the motion passes. Manti Telephone is requesting a second right of way agreement to install cable to Robin Benton's home. Mr. Cox will get Steve Keller's signature and return to have it approved on the next agenda.

GARRICK WILDEN: APPROVAL OF A RIGHT OF WAY AGREEMENT FOR EPHRAIM CITY TO INSTALL SEWER LINE WEST OF THEIR LAGOONS

Garrick Wildden is present. Motion is made by Commissioner Frischknecht to approve the right of way agreement for Ephraim City to install sewer line west of their lagoons. The motion is seconded by Commissioner Jarrett, and the motion passes. There is no fee for this permit because it is for a municipality.

JOHN FAIRCHILD: APPROVAL OF LAND ACQUISITION IN FOUNTAIN GREEN

John Fairchild and Eddie Hansen are present. Division of Wildlife Services would like to purchase additional land for the hatchery. Pacificorp has decided to abandon and sell their hydro-power plant. It is very close to their hatchery. The Division of Wildlife would like to purchase this property to help protect the wildlife. They would like to eliminate the pond, and clean up the area. This is just a flow through right. The land is 1/3 of an acre. The County has a road that goes to the pond and dead ends there. They don't intend to close that road. The city and the irrigation company are preparing formal letters of approval to the changes. Motion is made by Commissioner Frischknecht to support these changes pending the letters from the city and irrigation company. The motion is seconded by Commissioner Jarrett, and the motion passes.

EMERY POLELONEMA: REVIEW OF COMMUNITY IMPACT BOARD (CIB) LIST FOR SANPETE COUNTY

Emery Polelonema is present. He presents the CIB 2015 consolidated capital improvement list for Sanpete County.

SPECIAL SERVICE #2 (FIRE): APPROVAL TO APPLY TO THE COMMUNITY IMPACT BOARD (CIB) FOR A GRANT MATCH FOR WILDLAND URBAN INTERFACE VEHICLES

Nick Lyons is present. This request to apply for CIB grant is past the application deadline for this year. They are looking at applying in January, and will make arrangements to be ready at that time.

SHERIFF BRIAN NIELSON: APPROVAL TO HIRE AS PART TIME PATROL DEPUTIES AUSTIN S. LUND AND AL GARDNER

Sergeant Jayson Albee is present. Motion is made by Commissioner Frischknecht to approve the hiring of Alan Gardner and Austin Lunt as part time patrol deputies at the rate of \$13.79 per hour.

APPROVAL TO PAY GUNNISON CITY FOR THE RESOURCE OFFICER FOR FALL 2014 OF THE 2014/2015 SCHOOL YEAR

Motion is made by Commissioner Frischknecht to approve the payment of \$12,000.00 to Gunnison City for the resource officer for the Fall of 2014. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL TO HIRE AMY WILLDEN AS A FULL TIME DEPUTY TREASURER

Devin Parry is present. Motion is made by Commissioner Frischknecht to approve the hiring of Amy Willden as a full time deputy treasurer at the rate of \$13.63 per hour, effective November 17, 2014. The motion is seconded by Commissioner Jarrett, and the motion passes.

TRACY CHRISTENSEN: APPROVAL OF STEP RAISE FOR JOHN BRINKERHOFF FOR CERTIFICATION

Linda Christiansen is present. John Brinkerhoff passed 4 certifications, and can now perform residential inspections. Motion is made by Commissioner Frischknecht to approve a step increase for John Brinkerhoff to \$15.30 per hour effective November 9, 2014. The motion is seconded by Commissioner Jarrett, and the motion passes.

KEN BENCH: APPROVAL TO PURCHASE A DIGITAL SCANNER

Ken Bench is present. Motion is made by Commissioner Frischknecht to approve the purchase of a digital scanner for the assessor's office at a cost of \$2,209.00 as long as it is in the budget. The motion is seconded by Commissioner Jarrett, and the motion passes. The funds will be taken from several line items in his budget.

CONSIDERATION AND APPROVAL OF ENTERING INTO AN AGREEMENT WITH MAYFIELD CITY FOR THE ACQUISITION OF REAL PROPERTY FOR THE CONSTRUCTION OF A SMALL PARKING LOT UP 12 MILE CANYON

Mayfield Town has already approved this agreement. Motion is made by Commissioner Frischknecht to approve this agreement with Mayfield Town for the acquisition of real property for the construction of a small parking lot up Twelve Mile Canyon. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL OF AGREEMENT WITH AARON DODD FOR PUBLIC DEFENDER APPELLATE SERVICES

The Utah Court of Appeals has ordered a case to be fully briefed. Motion is made by Commissioner Frischknecht to approve the agreement in the amount of \$5,000.00 with Aaron Dodd for public defender appellate services. The motion is seconded by Commissioner Jarrett, and the motion passes.

APPROVAL OF AMENDMENT NO. 1 TO THE CONTRACT WITH THE ADMINISTRATIVE OFFICE OF THE COURTS TO LEASE OFFICE SPACE IN THE COUNTY COURTHOUSE

Motion is made by Commissioner Frischknecht to approve an amendment to the contract with the administrative office of the courts to lease office space in the County Courthouse. The motion is seconded by Commissioner Jarrett, and the motion passes.

TRACY COOK: DISCUSSION OF GATE AND RIGHT OF WAY ON PROPERTY AT APPLE TREE

Tracy Cook is present. This past year, several people have been caught taking scrap steel from the property. Mr. Cook placed a gate. He received a notification from the Sheriff's Office requiring the gate to be removed, and he removed the gate. He asks the Commission how Class D roads are created on private property. The County was required to make a transportation map of the roads in the County. The classifications are: Class A (highways) Class B (County maintained) Class C (cities) Class D (not maintained, but relied on by the public to use). The Class D roads were created at a later date. The test of whether a path is considered a road is not access, but it is the continual public use for 10 years or more. Seasonal use is considered continual. The time doesn't need to be just the last 10 years. The 10 years could've happened earlier. The Commission have the power to vacate a road after following the correct legal procedure. Mr. Cook would like to petition to vacate the road. He feels that his property rights are being taken away by having this "road" on his property. The Commissioners will review the 1978 map to see if this showed as a road at that time. Mr. Cook will contact the Sheriff's Office if people are on his property and off the road.

JEFF ANDERSON: AWARD OF BID TO REPLACE CARPETING IN SEVERAL ROOMS IN THE COURTHOUSE; DISCUSSION OF AND APPROVAL OF AUXILIARY HEAT IN THE AUDITOR'S OFFICE

Jeff Anderson is present. Motion is made by Commissioner Frischknecht to approve the Valley Furniture bid in the amount of \$8,650.00 for carpeting in the clerk's office, zoning office, and the attorney's office. The motion is seconded by Commissioner Jarrett, and the motion passes. The heat cannot be maintained in the auditor's office. If that room is heated to satisfaction, the remaining rooms are over heated. Options are being looked into to find the best method to heat the room. No decision is made at this time.

APPROVAL OF A WAIVER AND COMPENSATION AGREEMENT WITH VANCE BRAD AAGARD

Motion is made by Commissioner Frischknecht to approve a waiver and compensation agreement with Vance Brad Aagard. The motion is seconded by Commissioner Jarrett, and the motion passes.

Motion is made by Commissioner Frischknecht to go into executive session to discuss property acquisition and pending or reasonably imminent litigation. The motion is seconded by Commissioner Jarrett, and the motion passes.

EXECUTIVE SESSION

Motion is made by Commissioner Frischknecht to go out of executive session. The motion is seconded by Commissioner Jarrett, and the motion passes. The following action was necessary due to this executive session. Motion is made by Commissioner Frischknecht to accept the current settlement agreement that is on the table as of November 10, 2014 in Means vs Sanpete County.

Motion is made by Commissioner Frischknecht to adjourn. The motion is seconded by Commissioner Jarrett, and the motion passes.

The meeting is adjourned at 4:14 P.M.

ATTEST: *Sandy Neill*
Sandy Neill
Sanpete County Clerk

APPROVED: *Claudia Jarrett*
Claudia Jarrett
Commission Chair